

REMARKS

Applicants have carefully reviewed the Office Action dated August 24, 2004. Claims 1-7 and 9-14 are pending in this application. Applicants have amended Claims 1 and 10 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1, 5, 7, 9-11 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of *Tognazzini* in view of *Angles*. This rejection is respectfully traversed with respect to the amended claims.

The Examiner has noted that the one thing missing from *Tognazzini* is that it does not explicitly disclose control information that is sent to the user computer for controlling whether to display the advertising information. The control information for the portion of the Claim that the Examiner is referring to is a portion associated with the operation wherein *both* control information and advertising information are sent to the user's location. The *Tognazzini* reference, as set forth in the prior responses, does not provide control information in conjunction with the advertisement information. All that is disclosed in the *Tognazzini* reference is the content which, upon detection thereof, indicates that advertisement content was transmitted, which advertisement content is then extracted from the transmission and stored for display, based upon the user's preferences. The Examiner has provided the *Angles* reference to disclose the transmission of control information to the user computer for controlling whether to display advertising information. However, Applicants note that the advertising information that is displayed is advertising information that is retrieved from another site. The control information is nothing more than a means to access information. There is no disclosure as to sending the advertising information *with* the control information in the broadcast wherein the control information controls whether to display that advertising information, as set forth in the amended claims. The transmission of control information, or somehow controlling advertisement, and the transmission of advertising information alone, are not two concepts that can be combined to show the transmission of *both* control information and advertising information in a broadcast sense, wherein it is the advertising information that is transmitted that is displayed under the control of the control information. As such, Applicants believe that the addition of the *Angles* reference does not cure the deficiencies noted herein before with respect to the *Tognazzini* reference and, therefore, Applicants believe that the combination of these two

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references, or the references viewed separately, does not anticipate or obviate Applicants' present inventive concept, as defined by the amended claims. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103 rejection with respect to claims 1, 5, 7, 9-11 and 13.

Claims 2, 3, 4, 6, 12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Tognazzini* and *Angles*, and further in view of *McKiel*. This rejection is respectfully traversed.

The addition of the *McKiel* reference does not cure the deficiency noted herein above with respect to the combination of *Tognazzini* and *Angles*. As such, Applicants believe that these claims are not anticipated or obviated by the addition of the *McKiel* reference and, therefore, respectfully request withdrawal of this rejection.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,736 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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